



State of South Carolina

Office of the Governor

MARK SANFORD
GOVERNOR

POST OFFICE BOX 12267
COLUMBIA 29211

December 15, 2004

The Honorable David H. Wilkins
Speaker of the House of Representatives
Post Office Box 11867
Columbia, South Carolina 29211

Mr. Speaker and Members of the House:

I am hereby returning without my approval H. 3552, R-407, a bill which requires individuals, veterinarians and employees of the Department of Social Services (DSS) to report incidents of animal cruelty to animal control officials or law enforcement. While I appreciate the intent of this bill to report cases of animal cruelty, I am vetoing it because I believe Section 1 unnecessarily creates a legal obligation to report animal cruelty for DSS employees and veterinarians who are already under a professional obligation to make these reports, and also because I believe it goes too far by requiring all citizens to follow mandatory reporting requirements.

This bill imposes a duty to report cases of animal cruelty on *all citizens*. I believe every citizen should report any criminal act, including cases of animal cruelty, when he is a witness to the act, because it is his moral and civic responsibility; not because it is mandated by the state. For this reason, both statutory and common law in South Carolina does not currently impose an affirmative legal duty to report criminal acts, including aggravated felony crimes like murder, carjacking, rape, and child abuse, on *all citizens*. Therefore, it goes without saying that reporting any type of criminal behavior, including animal cruelty, is an act of responsible citizenship rather than a mandatory legal duty imposed by the state.

This bill also requires veterinarians and DSS employees to report possible cases of animal cruelty when they know or reasonably believe abuse is occurring, and protects them from liability when making a report in good faith. I fully support the need to protect these professionals from liability when they are reporting in good faith. However, I do not believe the mandatory duty to report is necessary because DSS and veterinarians should make it their policy to report animal cruelty since it furthers their missions. In fact, because of the close link between

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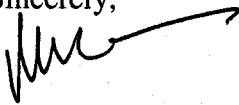
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child abusers and animal abusers, DSS has established a protocol for its employees to report all criminal behavior including probable cases of animal cruelty when acting within the course of their employment. Veterinarians also have a professional duty to provide for the welfare of animals which would include reporting cases of animal cruelty.

While I cannot support the mandatory reporting requirements imposed by this bill, I would support a bill that released veterinarians and DSS employees from liability when making a report of animal cruelty in good faith, especially since they are currently making these reports out of professional responsibility. Although I do not object to the remaining portions of H. 3552, R-407, the South Carolina Constitution prevents me from vetoing specific objectionable provisions of this bill.

For the reasons stated above, I am returning H. 3552, R-407 without my approval.

Sincerely,

A handwritten signature in black ink, appearing to be 'Mark Sanford', with a long horizontal stroke extending to the right.

Mark Sanford